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Attorney Docket No. 15155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Y. Bronicki et al.

Serial No.: 09/627,166

Group Art Unit: 1732

Filed: July 27, 2000

Examiner: M. Theisen

For: **METHOD OF AND APPARATUS FOR PRODUCING PELLETS FROM  
HEAVY HYDROCARBON LIQUID**

DECLARATION UNDER 37 C.F.R. 1.131

Commissioner for Patents  
Washington, D.C. 20231

Sir:

NOW COMES the undersigned and declare that:

1. I, Yoram Bronicki, am an inventor in the present application. I am also the engineer in charge of the asphaltene pelletization project which is the subject of the instant application. The work done in accordance with this project was either conducted by me and/or under my supervision.

2. On the seventeenth (17<sup>th</sup>) day of April TWO-THOUSAND (2000), which upon information and belief, is the publication date of an article entitled "New Pelletizer Makes Higher-Value Fuel From Resid," such article was published in the Oil and Gas Journal in the United States. The following facts show completion and

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reduction to practice of the presently claimed invention in the United States of America and Israel, a World Trade Organization country, prior to this publication.

3. The present United States patent application was drafted at the beginning of the year 2000.

4. Attached is a facsimile memorandum from Philip Rettger, one of the inventors of record, to me and to Yona Beck, the Head of the Intellectual Property Department of ORMAT INDUSTRIES. A copy of the facsimile memorandum is attached herewith and made part of this affidavit as an Exhibit of record. The facsimile memorandum bears one or more dates which have been removed and are not shown on the Exhibit. Each of the dates was prior to the Oil & Gas Journal publication date.

5. The memorandum references the existence of a draft patent application that was prepared and forwarded to Mr. Rettger for his review. As can be seen by the memorandum, conceptual basis for an apparatus and method for producing asphaltene pellets as claimed in the present patent application is provided. In particular, the memorandum indicates the formation of the pellets, the formation of

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the slurry and the transportation thereof, as is claimed in independent claims 1 and 7.

6. The original memorandum identified in the Exhibit was produced in the United States of America.

7. The memorandum also references "the current layout" and "(Look at what Geva built, including the auger conveyor)." These references point to an apparatus that had been constructed and operated in accordance with the claimed invention at the facilities of ORMAT INDUSTRIES LTD., the assignee of the current patent application. The facilities of ORMAT INDUSTRIES LTD. are located in Yavne, Israel, a WTO country.

8. The construction and operation of the apparatus practicing the presently claimed invention was conducted by me and/or under my supervision and occurred on a date prior to the Oil & Gas Journal publication date.

9. All statements made herein of my own knowledge are true. All statements made herein upon information and belief are believed to be true. I understand that willful false statements and the

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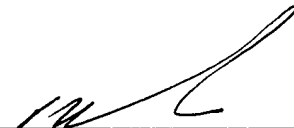
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like are punishable by fine or imprisonment, or both, under the provisions of 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing therefrom.

10. Further, declarants sayeth naught.

11. WITNESS my signature below in the indicated date.

June 12, 2003  
Date

  
Yoram Bronicki

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TO: Yona Beck, Yoram Bronicki

FROM: Phil Rettger

Here is another copy of what I sent on Feb. 6, 2000. I wanted to be clear that this information is confidential and proprietary.

My comments on your draft of the palletizing patent:

1. I think the invention should be limited to asphaltenes, as I do not think it will work on residual fuel oil.
2. I received your voice mail message, but it would seem to be easier to start the descriptions with asphaltenes and leave out the entire refinery that is at the front end. You could reference several prior cases for the background on where asphaltene come from.
3. My main point is that I think the first claim is a means for making the pellets, without a requirement that they be transported as a slurry. We should be allowed to make them, separate them from the water, and transport them as dry or wet (but not in a slurry) pellets, and still be covered. (Look at what Geva built, including the auger conveyor.) From this base, additional claims can be written to include not doing the separation from the water and transporting them in the slurry.
4. Your drawing does not agree with the current layout. am not sure if yours is more generic or more restrictive.
5. Some additional claims for consideration:
  - a. The addition of surfactant or other chemicals to the water to aid in separating the asphaltenes from the water (Either those floating on the top, or those that are difficult to settle out.)
  - b. Having the contact between the asphaltenes and the water jet occur below the surface of a water bath rather than above. (This has been tried and did not work well, but I think we should still cover it.
  - c. Collecting and gas released from the asphaltenes in the process and directing that gas to a refinery process unit, heater, or stand-alone incinerator to destroy the organic vapors.

Also, I do not recall if Bob Friday is on this patent or not. If he is can you send him your next draft.